IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 380 OF 2004

Jai Jagadamba Bahuuddeshiya Sanstha
Sarjapur (Surdi) ...Petitioners

Versus

Digambar Deshmukh & Ors. ...Respondents

.....

Mrs. Madhavi Deshpande, counsel for Petitioner

Mr. A.H. Palekar, A.G.P. for Respondent No.3.

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 15TH FEBRUARY, 2005

P. C.:-

1. Heard Mrs. Madhavi Deshpande, the learned counsel for the petitioner society.

2. It is alleged that the directions issued by this Court in writ petition No. 465 of 2003 vide order dated 23.1.2003 have not been complied with by the present respondents and more particularly the respondent No.3.

3. It appears that the petitioner society had submitted some proposal for sanction in respect of five additional posts of Peon, Senior Clerk and part time Librarian as well as a Laboratory Assistant in

its school. This Court had directed to take appropriate decision in respect of the said proposal keeping in mind the G.R. dated 28.6.1994. It was further directed that such a decision could be taken preferably within three months from 23.1.2003.

4. It appears that the pending proposal was not decided by the respondents and therefore, contempt petition No. 166 of 2003 came to be filed before this Court and the same was disposed of by order dated 23.9.2003. This Court had granted four weeks more time to comply with the order dated 23.1.2003 but the proposal was again not decided and therefore another contempt petition registered as contempt petition No. 294 of 2004 came to be moved before this Court and it was allowed to be withdrawn by order dated 9.9.2004 as the material particulars were not provided.

5. By the communication dated 24.3.2004 the respondent No.2 informed the petitioner that the Government of Maharashtra reviewed its policy decision set out in the G.R. dated 28.6.1994 and the new policy in respect of the staffing pattern (Both teaching as well as non teaching) in the aided schools was reviewed and changed as per the G.R. dated 16.12.2003. It is obvious that the norms which were laid down in the G.R. dated 28.6.94 are no more

applicable and thus, the petitioner's proposal would be governed by the new policy.

6. In the very first order dated 23.1.2003 this Court had clearly stated that in case the prayer for considering the proposal was turned down, it would be open to the petitioner to approach this Court again and thus, the petitioner's remedy to file a fresh writ petition is left open.

7. In the premises, there is no case made out to take cognizance for contempt of court within the meaning of Section 2(b) of the Contempt of Courts Act, 1971.

8. The contempt petition is therefore, rejected and this order will not come in the way of the petitioner to move an appropriate writ petition.